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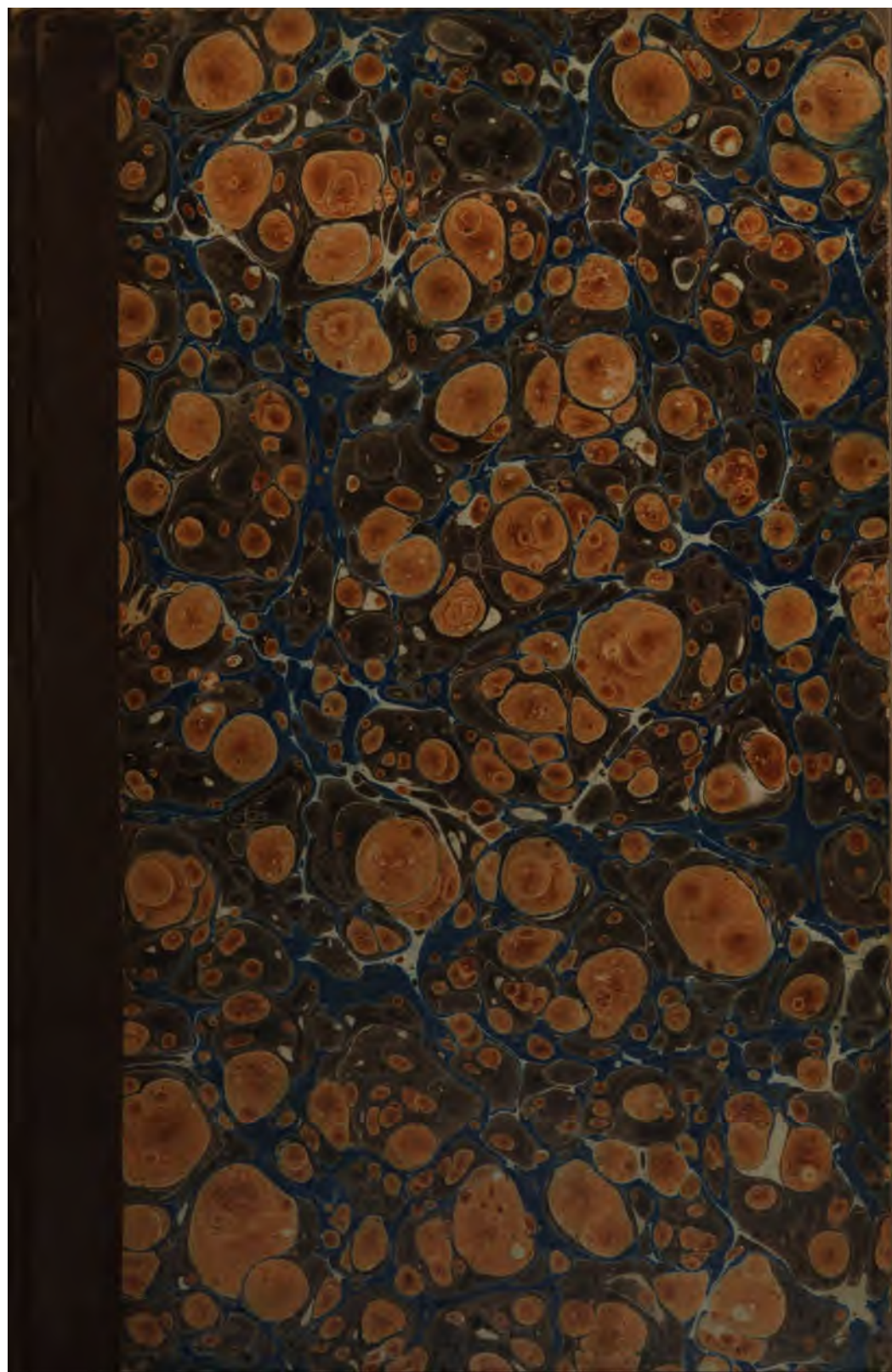
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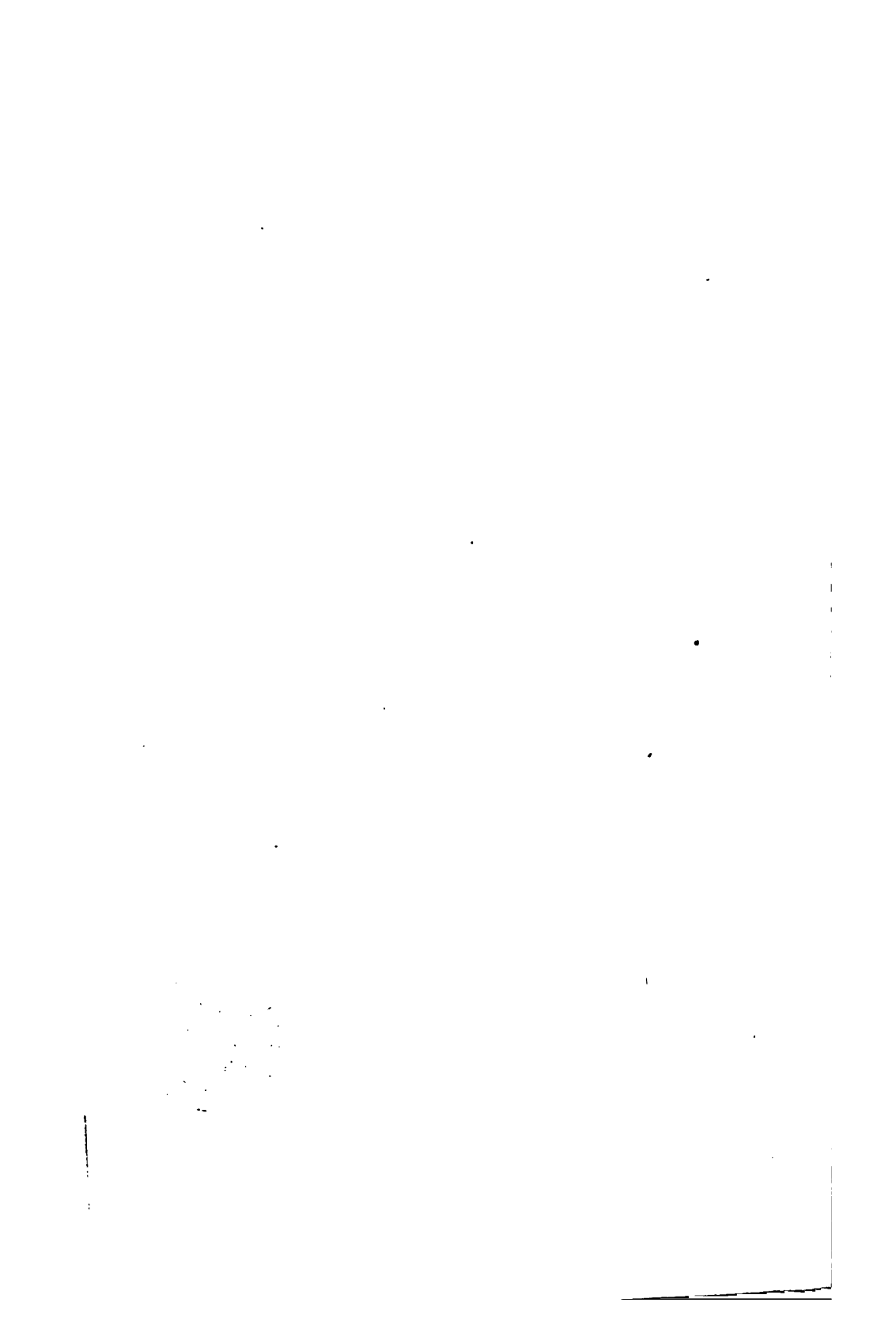
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PRISON DISCIPLINE

IN ITS RELATIONS TO

SOCIETY AND INDIVIDUALS:

AS

DETECTING FROM CRIME,

AND AS

CONDUCTIVE TO PERSONAL REFORMATION.

BY THE

REV. DANIEL NIHILL, M.A.

GOVERNOR AND CHAPLAIN OF THE GENERAL PENITENTIARY,
MILLBANK.

Il y a deux genres de corruption : l'un, lorsque le peuple n'observe point les loix ; l'autre, lorsqu'il est corrompu par les loix : mal incurable, parcequ'il est dans le remède même.

L'Esprit des Loix, L. 6, Ch. 12.

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PRISON DISCIPLINE.

WHAT is the object of Prison Discipline? Is it Vengeance? Is it Reformation? Is it Example?

It is necessary to determine these points as preliminary to the consideration of the proper means of carrying Prison Discipline into effect, because the choice of means must obviously depend upon the object in view.

If vengeance be the object of Prison Discipline, nothing can be more simple than the means of its accomplishment. The human frame, both mental and corporeal, presents too many vulnerable points to permit so ingenious a creature as man to lie under any difficulty in tormenting his fellow. But, however vindictive motives may sometimes weigh in the private prosecution of an aggressor, or in

the public expression of abhorrence against a notorious miscreant, vengeance is not the legitimate object of human punishment at all. The calm atmosphere of jurisprudence repudiates the tornado of human passion, remitting vengeance to Him to whom vengeance belongeth, and in whose hands it is devoid alike of malevolence and of error.

Reformation presents itself under a different aspect. The general dictates of humanity, and the more cogent precepts of the christian religion, abundantly enforce this object; and that it is admitted into the modern system of prisons, is no less clear from the appointment of chaplains, and several other moral and religious provisions pertaining to those establishments.

The claim of example as an object of Prison Discipline is still more generally allowed than that of reformation. Many who regard the reformation of criminals as visionary, are zealous for the deterring influence of example; and, indeed, whatever be the comparative value of those two objects, it must be admitted that to exhibit the dread consequences of crime, is the primary motive of society in awarding punishment. The instinct of self-preservation, infinitely stronger than the impulse of benevolence, suggested the erection of prisons before reformation was thought of; and the idea of holding them up as beacons to the unconvicted still forms the chief legislative consideration in all that relates to their expense and management.

If either reformation or example were singly proposed, the task of devising means for its accomplishment would be sufficiently arduous. Nevertheless the mind, bent upon one distinct purpose, would frame its conceptions with infinitely greater clearness and vigour than when perplexed with a double design. In the case before us, this perplexity cannot be avoided. Reformation and example must be conjointly provided for. We cannot pursue the one without feeling bound to consider whether we are not interfering with the other. But although, in any legitimate scheme of Prison Discipline, the two objects must be kept in view, it will facilitate our conception of their several bearings, and of the means to be adopted for carrying them into effect, if we first make them the subjects of separate examination. We begin with Example.

PART I.

It is proposed, then, to render prisons the instruments of propagating through the country a salutary dread of the consequences of crime. Publicity is essential to this end. If a delinquent be removed from the public sight, either by death or by transportation, or by being hidden within inaccessible walls, his place is soon filled up in the world,

and the impression of his fate is obliterated from the public conscience. The seclusion of prisoners consequently tends to defeat the principal end of prisons: yet this seclusion is required for the good order of those establishments, and constitutes a very material part of the punishment of offenders. Hence the extent to which publicity should be carried becomes a nice question. It should be sufficient to imbue the mind of the community with an abiding consciousness that crime drags punishment after it; and if all the details of suffering be not exposed to public gaze, enough at least should be unveiled to set the imagination at work, and to awaken mysterious and salutary awe. With this view it is necessary, and has generally been the practice, to invest the exterior of prisons with a gloomy and repulsive aspect. But, besides this, their internal features should exhibit to the eyes of visitors a corresponding character: the information which emanates from their walls should convey to the connexions and acquaintance of criminals similar impressions; an effect which can only be produced by making their state one of real discomfort. In communicating his doleful history to his friends, the captive may bedew his letter with tears of contrition, and there is in this case a chastened gladness which is in keeping with the sombre hue of punishment. The mind approves this consequence, and there is no fear of its dis-mantling prisons of their proper terrors. But if

it be found by the visits of strangers, or the intimations made to friends, that the food and clothing ; the cheerfulness and warmth ; the medicine, and diet, and accommodations in time of sickness ; the shelter and the bedding, and various other comforts enjoyed by convicts, present a luxurious contrast to the miseries of the honest labouring class, the effect must be to strip imprisonment of its awful character, and to give rise to many commitments. That we may form a sound and practical judgment of the particular means which are available for infusing into the economy of prisons a salutary dread, it will here be proper to enter into a few details.

The most obvious privation of the prisoner is the loss of liberty. This penalty it is intended he should fully undergo. The law, and the judges who pronounce the sentence of the law, contemplate nothing less. But what is meant by it ? Does it mean that the liberty of the culprit is to be merely circumscribed by the boundary wall of his prison, or that he shall be closely incarcerated for the given period within his proper cell ? Different prisons have different arrangements, and the sentence, though formally the same, varies considerably in regard to its practical severity, according to the rules of the prison to which the convict is sent. To maintain the uniformity of the law, the prison regulations should be uniform throughout the country ; otherwise, under the

same sentence, there is in point of fact an exceedingly different penalty.

Even in the better regulated prisons in this country, the irksomeness of strict confinement is broken in upon by the supposed necessity of using the services of prisoners in the capacities of monitors, wardsmen, cooks, and so forth. These offices become objects of ambition, because they give a wider range of locomotion, and vary the dull monotony of prison life. It is not on the successful candidates alone the mitigation acts. The general character of Prison Discipline is relaxed in the eyes of all, and many find no inconsiderable alleviation in looking forward to their turn of indulgence. Very different would be the effect, if, by an inviolable enforcement of the general regulation, those who incur the loss of liberty were taught to feel that there is no possibility of evading its pressure. Many prisoners confess the justice of their sentence, and fancy they are accepting their due punishment, when, at the same time, nothing is more common than a perpetual effort to escape the consequences of their condition; and the existence of those prison offices affords a fertile opportunity to amuse the mind in attempts of this nature. It is easy to call for a rule prohibiting the employment of any prisoner whatever in the capacities alluded to. But the duties are indispensable. Wards and passages and windows must be kept clean,—the ignorant must be instructed both in letters and in

work ; victuals must be prepared, discipline must be maintained, the sick must be waited on. Will the public, already disposed to complain of the cost of prisons, consent that all these duties should be performed by hired servants ? Expense is not the only difficulty. There appears something preposterous in bestowing upon convicts the menial attendance of servants. It is a rule from which, it may be supposed, they are not likely to imbibe any just ideas of their own criminality and degradation. Moreover, as confinement, like every other mode of punishment, acts unequally upon persons of different habits and constitutions, the practice of assigning locomotive offices to prisoners affords an opportunity to the authorities to apply seasonable relief to persons in danger of insanity, or subject to fits, or other cases of peculiar suffering. This remark applies particularly to prisons where the general employment is sedentary ; but in all prisons there is this objection to the multiplication of paid officers—that it is almost impossible to find persons for the situations who are worthy of confidence, and, at the same time, the paid officer is much less under control than a prisoner. He must have his opportunities of egress, while the prisoner has not, and may become the medium of improper communications with persons both in and out of prison, as well as in various other ways defeat the good ends of discipline.

These objections, no doubt, possess their proper

weight, but in mixed questions it is vain to look for an issue which shall stand clear of every difficulty, and the ultimate decision must be regulated by the balance of arguments. When the existing practice is not only attended with the frequent consequence of rewarding the least deserving, (because the greatest villains make the most expert disciplinarians, and, as living much in gaols, possess the largest experience,) but also throws a blight over the general efficiency of incarceration, it is surely well worthy of experiment whether the total abolition of offices by which convicts evade the full measure of their sentence, would not render imprisonment a much more effectual instrument of justice than it has hitherto proved.

Hard labour, being frequently coupled with a sentence of imprisonment, comes next to be considered. If by hard labour be meant exclusively some kind of operation which requires an effort of bodily strength, then the law is violated in all those cases, and they are numerous, where prison work consists in tailoring and other slight employments. Again, if by hard labour be simply meant any labour which is compulsory, a very slight modicum in the amount performed will satisfy that interpretation. But this is not the popular sense of the term, nor that which the purpose of the sentence contemplates. It is the aim of the sentence to make the convict feel the labour as a punishment. To this end, it is to be not only uncheered by

reward, and therefore properly compulsory, but whatever it consist of, so long and so steadily plied as to be considerable in amount,—of such an amount as is manifestly inconsistent with laziness; and, in this view, it matters not whether it be tailor's work or any other.

As those who fall under the sentence of the law are, for the most part, persons who prefer the fruits of other people's industry to their own, nothing can be more appropriate in theory than the penalty of hard labour; and, if duly enforced, it would tend to inspire the offender with a conviction, that it is better to labour hard for an honest livelihood out of prison, than to labour hard for a dishonest one within it. But the question is, how is hard labour to be exacted? Three methods have been hit upon for this purpose.

The first is that of punishment. Work is furnished—tailoring, shoemaking, weaving, picking oakum, or some other species of manual employment. If the expected quantum be not produced, the prisoner is sent to a dark cell on bread and water diet. But this quantum is so very variable, depending upon age, upon previous habits, upon natural aptitude, and numberless other considerations, that there must always be great difficulty in measuring what may fairly be regarded as a day's hard labour for each individual. Of this difficulty, prisoners—an unwilling class of workmen—take advantage. To keep up labour to a high-pressure point by means

of punishment, the estimate of the governor combating with all the artifices, evasions, and indolent habits of the prisoners, would involve a system not only liable to much real error, but bearing a general aspect of cruelty. Such a system being out of the question, the consequence is, that punishment, though still occasionally administered, fails to exact any thing deserving the name of *hard* labour. The work performed in a prison is far below the average of free labour by persons of equal competence, and for a given number of hours.

Punishment being an inefficient instrument, reward has sometimes been resorted to for the purpose of exacting diligence. A per-centage has been in some places allowed to prisoners upon the produce of their work. There is no doubt that the operation of this motive is, though in a low degree, to stimulate general industry, and to induce what may be truly called hard labour on the part of a few ; but the objection to it is, that it defeats the plain intent of the law. The offender is sent to hard labour by way of punishment, and the punishment is changed into reward. If the law meant simply to punish the prisoner, it would more effectually accomplish its purpose by sentencing him to imprisonment with idleness than with labour, provided the amount of labour were left to himself ; for labour, to a certain extent, is a relief. But the law has moral views in choosing labour as a punishment, and that it shall answer its double

object, and really prove not only moral but penal, it requires that it shall be hard ; but then the prison authorities step in and tell the prisoner, " In order that you may fulfil your sentence, which is not only labour, but hard labour, we will give you a reward, and make it worth your while to fulfil that sentence, that you and we may keep on good terms with the law." Under the influence of this bribe the prisoner sets to work, and though his labour may answer its moral end in promoting habits of industry, it loses its penal effect, because it assumes a remunerative character.

The third method of exacting hard labour is by means of the tread-wheel. Ancient poets, striving to represent the punishment of more than common atrocity, described Sisyphus as doomed in the infernal regions to roll a stone to the top of a hill, upon reaching which, it constantly fell back to the bottom, leaving him to recommence his laborious but unprofitable task. The poets have omitted to inform us by what self-acting machinery Sisyphus was constrained to this useless and unvaried toil. It was reserved for a modern age to complete this part of their image by the invention of the tread-wheel. Considered merely as the instrument of toil, the tread-wheel is an admirable contrivance. It allows no opportunity of shirking, and hard labour may be secured by simply continuing the task the necessary number of hours. But waste labour is odious. It teaches the labourer the very

opposite to what he ought to be taught. He has been accustomed to undervalue the utility and importance of honest application. The tread-wheel confirms his error by the exhibition of so much labour positively thrown away, and that by authority. It is true, the tread-wheel may be applied to raising water, grinding corn, or some other useful purposes, instead of merely grinding the air. It would seem, however, from the infrequency of the practice, that prison authorities find great difficulties in turning the tread-wheel to account; but were it otherwise, it would still remain to be asked, whether it is a species of employment suited to rational beings? It merely exercises the body—the inferior part of man's nature. There is no employment of the intellect. Operations devoid of any application of the rational faculties are suited to the brute creation. Man is called to the conjoint exercise of his manual and intellectual powers. This is the case, though in different degrees, in all other laborious occupations. On the tread-wheel alone the intellect is required to stagnate while the body is at work. Such objections may perhaps have appeared in a recommendatory light to the patrons of this kind of labour. They may hold that the more dull, profitless, and disgusting the toil, the more suitable is it to the degradation of convicts, and the more likely to deter from crime. If this latter advantage were proved by experience, it would probably outweigh

any opposing arguments. But the fact is otherwise. Mr. Sibley, the governor of Brixton House of Correction, who has had large experience upon the subject, in addition to many elaborate objections to the tread-wheel, states—"Prisoners thus actively employed look happy and cheerful; it is a general remark of strangers; their time passes smoothly, if not merrily, along; they have little or no care; their daily food is provided and put into their hands; and with plenty of air, exercise, and company, the wants of many can be but trifling. They can therefore look forward with placid joy to the time of their enlargement, and proceed without apprehension to take their chance of being again arrested and sent back to the wheel. During the period of confinement, reflection is prevented by the presence of their companions; they think little about forming resolutions of amendment; and they carry away none of that salutary dread which a prison should properly inspire."*

The three methods available for enforcing hard labour as a penalty being thus objectionable or inefficient, it is obvious that the provision of law which prescribes that punishment, however well it may sound to the ear, is a very imperfect species of hindrance to crime. The law cannot execute itself. It can only enjoin what its ministers are to do; and if its injunctions, through any defect in means, be incapable of full execution, some other

* Letter to B. Hawes, Esq., p. 52.

penalty should be added, or some new provision made to supply the practical defect. Perhaps, in the present case, a fresh expedient might be tried with advantage. The desideratum is this :—something which shall induce *bonâ fide* hard labour on the part of the criminal, such labour affording exercise to his mind as well as his body, and while it teaches him to annex the idea of profit to his own industry, appropriates that profit for a time to the benefit of the party whom he has defrauded, or of the public. If such an inducement can be held out, we get all the advantage which the idea of reward supplies in stimulating effort. At the same time the appropriation of the profit in the way supposed keeps in view the penal character of the labour, and the effect is very different from that resulting from the prisoner's receiving a per-centage for himself. Now, in a prodigious number of cases this is practicable. A person is sentenced to transportation for theft ; the sentence is commuted to imprisonment, which may be either for three, four, or five years. The value of the stolen property is a few shillings. The offender having forfeited his liberty through indolence and fraud, let him repurchase it by industry and retribution ; let him be taught some useful mode of employment, and, after deducting some trifle towards his maintenance, let the earnings of his labour be accounted for, and when the amount is sufficient to pay two or threefold the loss or damage in question, let this

sum be appropriated to the prosecutor, or to the public, and let the prisoner be entitled to his freedom. A further improvement might be engrafted on this arrangement, by permitting the convict, after he had thus expiated his offence, to continue for a short period the same kind of labour in prison, applying the earnings to provide a small sum to keep him from immediate want upon his release. There are many collateral advantages attendant upon this plan—such as orderly behaviour in prison, the acquisition of good habits by the convicts, and the speedy relief of the public from their maintenance, by reason of the shorter periods they would remain in confinement; but here our attention is limited to the one point, that of carrying into effect the sentence of hard labour, which the proposed regulation would in all probability materially promote. There are, of course, many cases where the fraud has been on too large a scale to admit of this mode of expiation; and there are other classes of offence besides fraud; but the numerous cases to which it would apply are sufficient to justify a particular enactment.

A third mode of affixing a stern and repulsive character to prisons would seem to be by the regulation of food. Certainly food may be made so scanty and so coarse as to associate very unpalatable recollections with the notion of imprisonment, and it will be readily admitted that this is a legitimate kind of punishment. No man but a pri-

soner will contend that society is bound to humour the stomachs of the convicted. Prison fare, *ex vi termini*, should be reduced far below that which falls within the reach of the honest and industrious. But mark the impediments. The health of persons in confinement is supposed to require a generous diet. It is no part of the sentence, none of the intent of the law, that their health should be impaired ; and though, in the order of Providence, crime draws after it a train of indirect evils, and the loss of health is often one of them, yet the public are peculiarly sensitive upon this point. Were an epidemic to break out in any prison, and could that epidemic be traced to scantiness of food, woe to the reputation of the persons charged with the responsibility of its management ! Hence there is a great deviation from principle on this subject. The dietaries of the various prisons in England and Wales vary considerably, but the general result is, that the convict is better fed than multitudes of the labouring class. It is difficult to correct this evil by a proper adjustment. If medical men be consulted with a view to ascertain how far diet may be reduced with safety, they only enter into the question *as medical men*, not as juriconsults, looking entirely to what is conducive to health, without regard to expense, or considerations of criminal policy ; they will not risk their professional reputation by speculating upon a low scale, when a higher one is more secure, — and certainly to

define the limit to which the diet of persons in confinement may be reduced is a difficult problem, and one attended with no little danger. Some few years ago the public indignation was turned against the vast expenses of the General Penitentiary. A sudden change of diet was resolved upon. The consequence was, that an epidemic of a very peculiar nature broke out in the establishment, many lives were lost, the prisoners were removed to temporary receptacles, and a vast sum was expended in correcting the evil of that transition from a higher to a lower dietary.

Raiment, lodging, bedding, fuel, medicine, and similar accommodations, fall under the same category as food: being means of increasing the comforts or mortifications of individuals, according to the mode and measure in which they are administered. But however expedient to impose upon prisons a character of discomfort in these respects, many considerations stand in the way of arrangements for the purpose. The health of the convicts, of which we have already spoken, is one obstacle. Again, the credit of public institutions, and a due regard to decency, forbid anything sordid and unsightly within their precincts. The reason why any private individual shivers in rags while the rain beats, and the wintry blast pierces his cheerless dwelling—the reason why he labours under the want of medicine and various soft appliances in time of sickness, is, because he is des-

titute of pecuniary means; but in the case of prisons there is a public purse at hand, and it would be deemed inexcusable to allow prisoners to sustain privations which are by no means uncommon among the labouring poor. Hence, in all prisons deserving the epithet of well conducted, the accommodations in food, raiment, bedding, lodging, fuel, and medicine, are exceedingly comfortable. It is true, an unbecoming costume is imposed as a badge of disgrace, but to this unsightly garb the wearer is soon reconciled by use, and by observing that it is the general habit of the prison.

So many are the impediments which baffle the efforts of the magistrate to impress a due character of privation upon prisons, that it may be thought expedient to call in the aid of artificial contrivance for the sole purpose of making the prisoner feel distressed and disgusted with his situation. But this will not do in Britain. Any regulation purely vexatious would be much more likely to arouse public indignation than to excite salutary terror. Rules conceived in that spirit by the authorities, and contemplated in that view by the prisoners, would only fill the heart with malice, and promote a hardened and ferocious temperament. To be operative, restraints must grow out of legitimate and recognised principles; either the few and simple purposes of the sentence, or the moral advantage of the prisoner. Of this kind are the restraints we have been considering—restraints upon the

freedom of those who have made a bad use of liberty—upon the comforts and luxuries of those who, with no other claims than their crimes, are maintained at the public cost. Any thing introduced into a regular system of treatment, indicative of direct and gratuitous irritation, would be a species of minor torture, and as such, abhorrent from the spirit of British jurisprudence. Here the line must be drawn. It does not justify coercion to say that it tends to make a prison terrific. It were easy to multiply cruelties, if that were all that is required. In an enlightened age we must seek to render prisons repressive of crime, by such modes of discipline as will commend themselves to the public conscience and feeling.

Consistently with these notions it may be remarked, that in well-ordered -prisons there are many restraints by which the convicts are more sensibly affected than by any which can be safely established touching food or clothing. The regulations now referred to are mainly designed to interdict the indulgence of habits which are either injurious to the prisoner's morals, or incongruous with his present situation. It is the existence of the habits, not anything vexatious or unreasonable in the nature of the restraints, which renders them painful. The intemperate use of tobacco and spirituous liquors—the license of the tongue in blasphemy, scurrility, lies, and filthiness—these and similar evil customs craving their wonted indul-

gence, render every moral and salutary restriction hateful for a time. But the principle of these restrictions is sustained by conscience; they have a tendency to ameliorate the mind and constitution, and cannot justly be regarded as of a vexatious character.

There is one peculiar restriction which requires a separate notice. In some prisons it has of late years been the practice to impose silence, and to prohibit any kind of mutual intercourse between the prisoners. The principal motive has been to prevent contamination, experience having shown the tendency of older offenders to corrupt the less hardened, and prisons having in consequence proved schools of crime. It has with this view been deemed necessary to pass a sweeping condemnation upon all attempts to converse. Good and evil, harmless and pernicious communications, are alike interdicted. Though the motive of this rule be laudable, its operation is exceedingly vexatious. We have seen that the punishment of Sisyphus has been revived in the form of the tread-wheel. The rule now under consideration as effectually reminds us of the fabled torment of Tantalus. For crimes of more than ordinary depravity, Tantalus is depicted as doomed to incessant but unsatisfied cravings. A branch of delicious fruit hangs within his reach, which, as oft as he attempts to gather it, eludes his grasp. Inflamed with a burning thirst, he is steeped to the lips in water which perpetually

flows away as he assays to drink. Man has other cravings besides those which are corporeal. He is a social being, and thirsts for communication with his fellows. When men are consigned to the same prison, placed under the same rules, interested in the same objects, compelled to work, and walk, and wash, and learn in company—to pass in and out at the bidding of the same bell—to go to the house of God in company, and to unite in the same social worship—to have, in short, everything in the daily routine of life for months and years so much in common as to awaken all their inborn sympathies—when they are thus steeped to the lips in society, and at the same time *Tantalised* by a rule which prohibits the slightest intercourse, this must doubtless be felt as a most vexatious infliction. As, however, it is desirable to fix upon prisons a deterring character, and as the allowance of intercourse is so pernicious, there would seem to be two powerful arguments in support of this regulation. But, unhappily for both, the regulation does not answer its purpose. By means of the treadmill you may compel the Sisyphi to work; but congregate the Tantalids together, and vain will be your prohibition of intercourse. In spite of the most vigilant superintendence, they will sip enough of communication to defeat discipline and to subserve bad purposes, while the hindrance of harmless conversation excites a sense of injustice, or confounds their moral notions, taking off the con-

science from real guilt, and occupying it with that which is only local, temporary, and artificial.

Our objection to the imposition of silence is not simply that it denies the indulgence of the social appetite for conversation ; but that it tantalises the man by placing the forbidden food within his reach. There is a natural appetite for liberty, which is thwarted by imprisonment for a season, and this is the offender's punishment. Upon the same principle he may be punished by a temporary denial of the appetite for conversation ; but, during the existence of the restrictions, we ought no more to tantalise him with the opportunity of conversation, than with the prospect of escape. To place him apart from others is punitive, but not vexatious. To tantalise him with a prohibition of speech in the midst of society is vexatious in a very high degree. Use physical impediments—separate the prisoners by massive walls—and the double argument for non-intercourse comes into full play. Prison authorities are called upon to enforce it in order to preclude contamination, and at the same time to fulfil the purpose of the law in rendering prisons terrific.

There remains to be considered a restraint imposed upon a different principle from the preceding, being directed against things confessedly innocent and occasionally sanctioned, but from which the prisoner is for the most part debarred, purely to curtail his freedom. The visits and

letters of friends—the privilege of writing to them—the indulgence of pen, ink, and paper, and books of amusement, may all be considered under this head. The restrictions laid upon these sources of alleviation vary considerably in different prisons, but, when rigidly imposed, they are regarded as very irksome privations.

We have now reviewed the chief means which are available for the purpose of attaching a revolting character to prisons. The sum of them is this. The prisoner is deprived of his liberty, restrained from a variety of customary gratifications, some harmless and some immoral, compelled to work, forbidden to converse, but provided with food, clothing, lodging, and other necessities far beyond his desert. On the whole, the change is cheerless and depressing to an individual habituated to the comforts of a peaceful home, and the exercise of the domestic affections. On such characters the experience of a prison often works a salutary effect. But the majority of offenders have no peaceful home to contrast with it. Familiar with rough changes, they have only shifted the scene for a time, and a prison supplies them with many comforts which they found it difficult to procure elsewhere. To them, consequently, it is far less terrific than the respectable portion of the community would suppose. They had hoped to escape it, but it was still involved in their calculation of chances, and they stoically submit to the result. It is true

they hate its restrictions upon their vices, but they find a perverse consolation in eluding them.

Now these observations may suggest to legislators an important thought. If prisons are to act *in terrorem* upon the public mind ; if they are to be made extensively subservient to this their primary purpose, two elements must be taken into account. In point of fact but one is usually considered, and hence much error arises. We may illustrate our position by an analogous case. Let us advert to the question, often mooted, of the public execution of murderers. If we would properly judge of the utility of such spectacles, we must take into account these two elements ; the terrible nature of such a death, and the condition of the public mind, on which it is intended to operate. If the mind of the population be in a good moral state, the spectacle (which will then be rare) will amaze, and horrify, and excite a salutary dread of crime. If the mind of the population be bad, the same spectacle will only brutalise the spectators. They will joke, and laugh, and commit crimes under the gallows. An execution, if we could suppose such a thing, in heaven, or in hell, would produce very different sensations among the inhabitants of those very different regions ;—and upon earth, as an individual approaches the character of an angel or of a devil, or as the state of society is christian or depraved, the effect of a public execution will be answerable. But reasoners

upon this subject ordinarily take only one element into calculation, namely, the horrible nature of the spectacle, and leave out the state of society on which it is to operate. Some contend for executions, because they assume the effect to be what it would be if the public mind were moral and tender : others condemn executions, as in their own nature productive of brutality, because in point of fact they brutalise a previously immoral population. The truth lies between them, and consists in this :—If legislators would have a public execution to produce a salutary effect, such an effect as the divine law contemplated, they must not only prescribe that mode of punishment, but they must prepare the public mind to view it with abhorrence by means of a widely diffused moral and religious education. The same species of reasoning applies to prisons. Two elements are here also required. One is the state of the prisoner as arising out of the prison regulations. The other is the comparative state of society (and, generally speaking, of the lowest order of society from whence the mass of prisoners come) in respect to the comforts of home. The prisoner's situation may be deplorable as compared with that of a decent and well-ordered family, and if the great mass of the population be decent and well ordered, they will regard with just apprehensions the condition of an offender immured within prison walls, and subjected to prison regulations ; but with what

feelings can a mass of people, either homeless, or whose homes are scenes of discord, discomfort, and vice, regard the condition of a prisoner who is better fed, and clothed, and lodged, than themselves? It is obvious that if legislators would have well-ordered prisons to deter from crime, they must not confine their attention to those criminal receptacles, but must raise the moral tone and promote the domestic comforts of the lowest orders, for these things constitute an important element in the calculation.

PART II.

In entering upon the second branch of our subject—the reformation of criminals—it may be well to premise a few observations touching its importance.

It is impossible to measure the value of a human soul, and assuredly no achievement more noble can be imagined than that of raising a fellow-creature from the degraded state implied in the guilt of a convict, to the true elevation of a Christian.

It is not inconsistent with this view to admit that, in the question of Prison Discipline, the object of reformation is secondary to that of example. Apart from that question, and with distinct reference to the value of the soul, the superior importance of reformation is indisputable; but there are other instituted means primarily and directly

aiming at the soul's salvation. Churches are built for that object: prisons are built for a different object. The chief thing to be looked to in any institution, is the attainment of its proper and primary end. Other objects, whatever be their intrinsic value, can claim but a secondary place, in so far as the management of the particular institution is concerned. However dearly, therefore, we cherish the desire of individual reformation, we must admit that it possesses no right to interfere with the main purpose for which prisons were erected, nor can we evade the force of Archbishop Whateley's aphorism, that "could we be sure of accomplishing the reformation of every convicted criminal, at the same time making his services available to the public, yet if the method employed should deter no one from committing the offence, society could not exist under such a system. On the other hand, if the punishment denounced had no other tendency whatever but to deter, and could be completely effectual in that, it is plain that it would entirely supersede all other expedients, since it would never be inflicted."*

There is no reason why the christian philanthropist should turn away from this view of the subject, as if it went to destroy all his interest, and to quench all his zeal in the discipline of prisons. The temporal welfare of society — an object so deeply involved—is surely worthy of his regard. But, independently of that object, and after allow-

* Thoughts on Secondary Punishments, page 60.

ing to example its local precedence, abundant gatherings will be left to the spiritual gleaner in this field of christian exertion.

There is a yet more satisfactory way of considering his interest in the question. Is it not a hasty and ill-digested sentiment to conclude, that the objects of exemplary punishment and personal reformation are at variance with each other? Ought not the former, if judiciously and firmly pursued, to yield invaluable assistance to the latter? Doubtless the Christian's ordinary mode of seeking to reclaim a fellow sinner is by gentleness and enticement. But does it follow that this is the only method of reformation? The Supreme Being, in the exercise of his gracious providence, often promotes this end by a wise admixture of chastisement and persuasion; and Justice, his vicegerent, co-operating with Charity, his most lovely attribute, may humbly imitate the precedent. If a prison were well ordered, if it were administered by none but truly christian instruments, what would there be in the severities portioned out unsuitable to the case of the delinquents, or the state of mind to which pious exhortation would seek to bring them? It is not the just severity applied to guilt, but the harsh and vindictive spirit of the agents who inflict it—it is the employment of ferocity to quell ferocity, which jars with the aim of christian reformation; or else there is something in the nature or measure of the punishment inconsistent with sound princi-

ple. But these things ought not to be. True justice will never do what true charity cannot sanction ; they may well walk hand in hand through the province of prison discipline, as well as through every other department of public policy : and we are taught to unite them in beautiful coherence, when we pray that all in authority “ may truly and indifferently minister justice, to the punishment of wickedness and vice, and to the maintenance of true religion and virtue.”

Having thus endeavoured to fix this important branch of our subject on its proper basis, let us proceed to examine the materials on which the christian moralist has to work, the aim which he should propose to himself, and the means by which he should endeavour to effect it.

And first, in considering his materials, we find both much to dishearten and much to encourage him.

On the one hand, what can be more loathsome to the moral eye than the congregated mass of impurity which a prison contains ! Thieves, drunkards, prostitutes—children of Belial of every sort, and size, and age ! Yet the christian philanthropist remembers that every one of these has an immortal soul to be lost or saved, and that St. Paul says to the Corinthians, “ Such were some of you, but ye are washed, but ye are sanctified, but ye are justified in the name of the Lord Jesus, and by the Spirit of our God.”

* Cor. vi. 11.

Again, in carrying on the attempt, what formidable impediments must be encountered !—impediments sufficient to induce any but the enlightened believer to abandon it in disgust ! The surface of a prison may present a decent and even interesting aspect, but whoever becomes familiar with its internal history, finds in it a frightful manifestation of the deep depravity of the human heart. The inveterate evil habits of the criminal class almost tempt him to regard them as a peculiar and incurable race : he is amazed at their ignorance and obstinacy, their undisciplined minds, their savage propensities, their ungovernable tempers, the deadness of their consciences, their unprincipled selfishness, their disposition to lies, hypocrisy, and every species of deception. Owing to the constant observation of these characteristics, nothing is more common among the officers of a prison than perfect incredulity as to the permanent reformation of a convict. But to these discouragements are opposed several important advantages. The prisoners are conveniently situated in most well-regulated prisons for the visits of benevolence ; many of them have enjoyed no previous instruction, and to them it possesses all the charm of novelty ; all are in those circumstances of sorrow and degradation which are calculated to afford a welcome to sympathy and kindness ; their minds are at leisure to receive instruction, and they are free from those cares, and riches, and pleasures of this life, which, entering

in, so often choke the word and render it unfruitful.

If, however, any measure of success is to be attained, the design must be laid in the faith of the Christian, not in the confidence of the philosopher. The depraved are not to be reformed by the force of moral suasion, catechetical instruction, and the reiteration of religious forms, as if man were a machine, and these were mechanical powers, whose effect was as certain as their application. The conversion of the heart is an Almighty work. If this be felt, it will not be thought sufficient to supply chaplains and schoolmasters, as if by their own power and holiness they could make these men whole. But on the one hand, while such means are provided, it will be in humble dependence upon the divine blessing, and an assurance that though Paul may plant and Apollos water, it is God alone who giveth the increase. On the other hand, while a divine blessing is sought, means will be abundantly supplied, and the whole will be in keeping with the christian principles professed. Not only chaplains and schoolmasters, but governors and other officers, will be selected with a view to their fitness, instrumentally, to promote the conversion of prisoners.

It is a mistake to rest satisfied with the idea of such a reformation as shall place prisoners on the same moral level with the generality of the uncaptured. This may be thought the utmost to which our hopes should aspire. But could the christian

minister be content to pitch his aim so low, its attainment would not answer the end in view. The generality of convicts, after being released from captivity, have to encounter difficulties unknown to the unaccused. These latter are sustained by a character hitherto unsullied, by the relations in which they stand to society, and the credit and assistance derived from them. The convict has none of these supports, and if he be not armed with the panoply of christian motives, feeble will be those derived from worldly pride or any other source.

Supposing, then, the true conversion of the prisoners' hearts to God to be an object seriously entertained, what are the means by which, in humble dependence upon the divine blessing, its attainment should be sought ?

There are two things here which demand especial attention. First, to prevent the convicts from receiving any moral harm in prison ; and secondly, to do them all possible good. The second object, humanly speaking, will be vainly sought, if the first be not effectually provided for.

If the prisoners be allowed free liberty of association and converse, it is evident from their previous habits and pursuits that the consequence must be awfully pernicious. The same result will follow, if, notwithstanding rules to the contrary, they can contrive to carry on frequent communication.

Every bad place has a moral atmosphere peculiar to itself: it possesses its own mysteries of iniquity. An offender who, for the first time, enters a prison, is a stranger to the usages of the place; but he is soon initiated, and, to his private stock of vices adds the fresh acquisition of all that is local and peculiar. This, for the most part, consists in a system of fraud and hypocrisy which has grown up from time to time under the accumulated ingenuity of the greatest villains upon earth, and it is framed for the purpose of counteracting all the wholesome regulations under which they are placed. The new prisoner, who perhaps at first evinces a subdued and tractable spirit, soon learns the game of trickery and evasion, and in this habit of mind, daily growing more hardened, he is likely to spend the remainder of his term. A habit of deception is in itself an evil of no slight magnitude. But it is attended with this further consequence—that it affords a screen, under which is successfully carried on the most extensive trade in vicious communication. The past experience of real history, the boasts of fictitious crime, the embryo forms of future depredation, the foul emanations of low sensualism, all circulate through the prison, and promote the progress of contamination. To all external appearance, the institution may be well ordered; a stream of religious influence may flow regularly through its channels, but a dark infernal current rolls beneath, and fatally counteracts its success. To create and establish an

insuperable barrier to this should unquestionably be the first effort of enlightened benevolence.

None but those who are thoroughly conversant with the management of a prison can form an adequate conception of the magnitude of the evil in question, or of the difficulty of counteracting it.

The great disadvantage to be contended with in all cases of this kind is the concentration of evil. The union and combination, the sympathy and mutual countenance of the depraved, supply strength to everything bad, render vice rampant, and frightfully accelerate the process of deterioration. We see the effect of this concentration of evil in a penal colony. It is only necessary to glance at the evidence taken before the Committee of the House of Commons on the subject of Transportation, to be convinced how just was the picture drawn by Lord John Russell, when he described the effect of regularly sending out masses of convicts to be, that it created the most demoralised population on the face of the earth. The case of a gaol is similar. The very opposite to concentration, if it were practicable, would be the true policy. In well-regulated hospitals it is the modern practice, instead of concentrating infection in a fever ward, to diffuse the fever cases as much as possible, placing them where each patient may inhale a purer air than his own breath, and in the neighbourhood of those who are not likely to suffer from his contiguity. Upon the same principle it would seem wise, in-

stead of concentrating moral infection in penal colonies and prisons, after applying some other punishment to the delinquents by way of example, to diffuse them through the community; choosing situations and placing them under circumstances where they were likely to receive good, and where their tendency to harm would be neutralised or repelled. Such a scheme seems never to have been thought of, and doubtless it would prove immensely difficult of contrivance, and perhaps altogether impracticable.* To concentrate the evil by sending the bad to common receptacles, is much simpler and more facile, and has been hitherto the practice; but the disadvantage has been sorely felt, and to this cause we may trace many of the modern plans and systems of prison management. They are all more or less efforts to grapple with the evil of concentration—throes of criminal jurisprudence travailing in birth, like the womb of Alcmena, with some Herculean remedy, which shall cleanse the Augean stable of prison corruption.

* Since the above was written, I have heard of a similar idea which, so far as juvenile delinquents are concerned, appears to animate the Society of Patronage in France. Their plan is to distribute the liberated prisoners through the community by means of patrons, who seek out suitable situations for them, and watch over their conduct. Why should we not have a Society of Patronage in England? It would be far better than a General Refuge for the Destitute, where evil is again concentrated.

This leads us to examine the existing theories of prison discipline, with reference to their capability of preventing mutual contamination. Our attention is due, in the first place, to two rival systems, one called the Silent, the other the Separate System : or, as more refined nomenclators denominate them, the Silence System and the Separation System. The term Silent or Silence, however, fails to mark the distinction, and these systems are in consequence generally confounded. Silence is no more the attribute of the one than of the other, being, in fact, equally characteristic of both. The main difference is this : under the Silent System the prisoners are collected in masses for work and other purposes, but are forbidden to speak or hold any intercourse : under the Separate System they are precluded from intercourse, by being kept not only in silence, but separation at all times. More explanatory titles might be invented ; but to those who understand what is meant, the name is of little moment, and we may content ourselves with the terms already in use.

There is an intermediate kind of system which partakes of the characteristics of both the Silent and the Separate. This is the system in use at the General Penitentiary at Millbank. It is partly the Separate System, for the prisoners sleep, and for the most part work, in separate cells. It is partly the Silent System, for they are at certain times every day associated in working at a water

wheel, or in walking for exercise, and occasionally in receiving instruction, but always under a prohibition of intercourse.* The Millbank Penitentiary was not originally constructed with a view to prevent communication, and therefore that part of the discipline which consists in separation is carried on under great disadvantages. But after some years' experience of the permission of intercourse, it was found so replete with evil, that the present arrangement, which strives to prevent communication partly by the Separate and partly by the Silent system, was in a manner forced upon the authorities. For the sake of distinction, we will denominate this the Millbank System.

There is a fourth system, which permits intercourse, but endeavours to avoid its more serious evils by Classification.

If strangers visit a well-governed prison where the Silent System is in use, they are struck with its appearance. During the presence of strangers, the will of the prisoners is enlisted on the side of regularity and display; and if the will of the prisoners were always as much in unison with that of the authorities, a prison would form a beautiful specimen of moral order, and would indeed be a school of virtue. But it is otherwise. The will of the prisoners is habitually at variance with the

* These observations refer to the main body of the prisoners. Recent alterations have been introduced, which afford considerable indulgence to juvenile classes.

regulations imposed upon them ; and the most subtle contrivances are perpetually in action to elude every provision which is made for the maintenance of the rules.

When a great number of convicts are congregated in a common yard or room, many of them being previously well known to each other, and still more, being familiar with the same modes and habits of crime, nothing short of the most prompt and severe punishment can restrain them from bursting into free communication. Although, under the dread of chastisement, they maintain an outward show of conformity, they still contrive, amid the different changes and evolutions of the four-and-twenty hours, to carry on no little intercourse. A sign, a wink, or some other well-timed movement, is made exceedingly significant. The oscitancy of the officers, wearied by constant inspection, affords larger opportunities ; and there are numerous situations and circumstances which assist the design. The very practice of reading each other's countenances with feelings of sympathy and views of ulterior mischief, is itself contamination. A bad and fraudulent state of mind is kept up, and the season of imprisonment becomes the seed-time of future depredations. This is not mere theory ; it is all borne out by fact. Under the Silent System there is much intercourse, and it is of a pernicious kind, and takes place even under the most vigorous rule. But when it is considered

that the efficacy of this system depends altogether upon the vigilance, activity, and zeal of a number of inferior officers, what must it be when there is a failure in these qualities, and how often must such failures occur! It is perhaps unnecessary to insist upon the fact, that prisoners are employed, in the capacity of monitors, to check the constant tendency to communication, because it may be replied that such employment of prisoners is not essential to the system. But one of two things must be done—either prisoners or paid officers must be employed. If prisoners be employed, the most expert and influential, that is to say, the most experienced and ingenious malefactors, must be employed—persons whose employment violates a principle, by conferring a privilege on the least deserving; and we are to expect, forsooth, the repression of evil from men whose very look is an incentive to crime! If paid officers be employed, they necessarily become so multitudinous as to defeat all pretensions to economy, one of the boasts of the Silent System, and at the same time to entail endless perplexities on its operations. For, amidst so many officers, so many cases of inefficiency and irregularity, to say nothing of breach of trust, will occur, that constant changes must arise: the officers must be engaged rather in learning their duties than in fulfilling them—and this, in a system of that delicate nature where all depends upon vigilance, promptitude, and self-possession, and where

42 The Separate System preventive of Contamination.

the galled passions of a depraved mass are to be kept in check.

The Separate System receives under a common roof a congregated multitude of delinquents, but it aims at defeating the evil of concentration by isolating every individual. The cells are made sufficiently commodious to admit of exercise, or a small yard is attached to each, or other arrangements are made with a view to health. Now, for the prevention of contamination, this system seems complete. Its main reliance is on the sleepless action of physical impediment. If the walls be duly constructed, one most important thing is done; for it is part of the plan to prevent prisoners from coming closer at any time than a massive intervening wall will permit. If there be incidental failures through the treachery of an officer, or some casual and unforeseen opportunity of communication, this is not to be considered as an inherent blemish in the design. It bears no proportion to the general working of the system, and is promptly remedied. The appetite of prisoners for intelligence and communication is confessedly great, and their resources are almost inexhaustible. It has been said that in an American prison, convicts have held correspondence, by converting rats and mice into letter-carriers. The story is more amusing than probable, but the invention of it may have been suggested by the well-known difficulty of preventing intercourse, and the extraordinary success of the Sepa-

rate System in attaining this end. It has been also alleged that prisoners have invented a language by sound—a kind of audible telegraph—each tap on the wall denoting a letter or word, and the number of taps consequently conveying a definite sentence. To this the same remark may be applied. We may add, that the intercourse, if any, which could be thus carried on, must be so limited as to be of very little consequence. The value of the Separate System is shown by this limitation. And if a limited intercourse among a very few may be supposed occasionally to occur under this system, how much more extensive must it be under any other !

Strangers visiting the Millbank Penitentiary are extremely apt not only to commend the order and cleanliness of the establishment, but to imagine that its admirable theoretical provisions are all reduced to practice. Between the prisoners, each in his proper cell, the separation seems complete, and, during the hours of association, the appearance of silence is equally imposing. Alas ! no one knows where the shoe pinches but the wearer. The officers of the prison, whose duty it is to maintain the observance of the rules, find themselves baffled in ten thousand instances, in which the prisoners, availing themselves of the construction of the building, and the various movements belonging to the system, contrive the most extensive intercourse. At chapel—at schools—in the infirmaries—at exercise, and in

passing to and fro through circuitous and lengthy passages, as well as from door to door, and from window to window, it is often discovered that the communication is general, constant, and systematic.* The employment of prisoners in cleaning the passages, and in carrying food, materials for work, coals, and other necessary articles, furnishes a chain of perpetual correspondence, and hence it is found that they learn each other's histories, form their friendships and their enmities, and effectually defeat the spirit and end of the regulations. It would be unjust to the General Penitentiary, not to testify that it has been to several an instrument of much real good. It is, however, to the Separate part of the system, imperfect as it is, that, under God, the blessing is mainly to be traced. The seclusion of the separate cell, furnished with its Bible and Prayer-Book, and other sources of christian edification, and aided by the visits of benevolence, has been faithfully employed in various instances for

* A young girl, one of a party who were detected in carrying on nocturnal communications from their windows, confessed to me that she had, in that way, learned more evil in a few nights than she had ever known in all her life before. It may be inferred by strangers that such evils are to be attributed to laxity of discipline. It is otherwise. The discipline is so strict that experienced convicts have a peculiar dread of the Penitentiary. To prevent communication, the rules have been from time to time made more stringent; but such is the nature of the building and of the system, that these regulations only diminish and check, but can never extinguish, the opportunities.

its intended and legitimate purpose. Through the thin partition walls, the crafty and intractable may and will communicate ; but to the individual whose heart is touched, it is an immense privilege to be able to sequester himself from the sight of others ; to shut his door, and in the stillness of a cherished solitude to pour out his heart in penitence and prayer. Such have at times been the happy results of the Separate part of the system. And it is ascertained by the subsequent history of many individuals, that their repentance has been followed up by a steady and consistent life. But justice requires it to be known that the Silent, or associated part of the plan, and its various opportunities of clandestine intercourse, prevent much of the good that would otherwise accrue from separation, and that much which is actually accomplished is marred and counteracted from the same cause. In short, *the intercourse of prisoners is the bane of the General Penitentiary.* Of this melancholy fact many proofs might be adduced. One or two illustrations may, however, be sufficient to characterise the nature of prison intercourse, and to show how superficial and fruitless any system must be which does not effectually preclude it.

A prisoner of the name of G. M. E., a very young man, and apparently well behaved, had received a communication from another prisoner. It was written in pencil on a slip of paper torn off an old letter, a customary practice, and was found

to contain some information relative to the sea, but mixed up with most detestable and infamous communications on another subject. A few days after he requested to see the governor, and voluntarily made a variety of communications relative to the secret and corrupt intercourse carried on by prisoners. The following are some extracts copied verbatim from a paper which he wrote upon the subject.

“ As opportunities for converse was afforded in consequence of prisoners working the water-machine, W. Y. asked the nature of my offence, for which I, G. M. E., am now in confinement. I mentioned housebreaking as the crime; he then stated he knew all the particulars of my case, and termed me a crack cracksman, (an expert burglar,) and told me he was a housebreaker, and would like me to become one of his palls, (companions,) for there was a jolly crew of ten or eleven, who lodged at a public-house in — street, at the back of St. — church, a regular fence—5s. or 5s. 3d. per ounce for wedge, and £2 per ounce for shan, (wedge is stolen silver plate, shan is gold plate, a fence is a receptacle for stolen goods,) if it, the plate, was square—not bruised. He stated one of the eleven was Bill Griffin, (not his proper name,) a returned lag, (an escaped convict,) who was transported for life; the public-house was kept by one J. H. The fencer (receiver) was one J. C.,—a neat back parlour, and to gain admittance

to it, only to sell stolen goods, was to put one finger to the ear, another to the nose, and cry 'tis square, is all right ; but to gain admittance to the crew, I was to mention Y.'s name, and ask to square it with Bill Griffin and —— ; I should then be admitted. J. H. would lend me five or ten counters, (sovereigns,) and a good set of screws, (pick-lock keys,) to go down to any country-seat to do it, and always plenty of togs (clothes) to disguise myself. He also mentioned a square fence that we uses, meaning the gang, whether all use it, or only a part, I cannot say, situate in Russell, Broad, or Crown Court—no questions asked, ready cash, and a loan to start with ; but he only gave 3s. 6d. to 4s. 6d. per ounce for silver, except for sneezers, (silver snuff-boxes,) and he gave 5s. or 8s. per ounce for them. I at first refused answering him ; afterwards told him I would let him know my mind before he left, and in case I should not like to go to the fence in —— street, he promised to send me a letter to this prison, apparently from my brother, or else not in his own name, couched in a religious style, the real meaning of which was only for to give his address where to meet him after I left. He stated, a man living next door to his father's made his screws, and that he, W. Y., had been seven years a regular prig ; that he was a tailor, and as a blind worked at his trade in the day, and went out cracking at night. He boasted a great deal of his numerous thefts ; especially

burglary and sacrilege, coining and passing bad money; but in one instance he stated, that going to a late landlord's of his, about eleven o'clock one night, he met him (the landlord) quite lusher, (intoxicated,) and then followed him home to his house; the landlord unlocked the door, Y. rolled the landlord in the gutter, took his watch, and then helped the landlord to bed, and in about an hour afterwards broke open the house, and robbed him of either £300 worth of plate, or else he got £300 for the plate, upon which money he lived for about fifteen months, which expired just before he came here. It is true he might have boasted much (for that, I have found, is the habit of thieves) of the number of thieveries he hath committed; but as he, W. Y., was confined in a separate cell in Newgate, he could not have learnt much of the thieves' manœuvres there; so this I am certain of, that he, W. Y., either has been a regular thief, or else he has been under some very old hands training him, for I have been in several trades, such as carpenter, locksmith, slater, &c., and have had experience in several of them from actual hand labour therein; and if he, being a tailor, and being locked in a cell in Newgate, had never been a thief before, it seems almost next to impossibility how he should be able to explain the method of making door-jams, or of untiling a roof, or picking locks, or punching and cutting keys, or quickly cutting an iron bar into two without noise,

by means of aquafortis, the strongest oil of vitriol, and also explaining the nature and use of carpenters' tools, with a precision which could only be obtained by some time using them as he described. I have not acquired a knowledge of them by theft, but by actual honest use, coupled by the fact, that my mother's late husband was a very searching man, and therefore taught me from my infancy the rudiments or fundamental principles of mechanics generally. I should not have known how thieves used their instruments of operation, but from the fact of my having to whitewash and clean the cells and wards of Newgate;* and from the first moment of my imprisonment it was a determination of mine to learn all I could, in order to make it known to the public, and that was the reason I deferred answering Y. until I had gained my point—the fullest information respecting plans of theft of all descriptions. At last, about the 28th of January, I plumply and plainly told him, I would not join him or his gang, neither would I go thieving any more; for I am here for my first offence, and as I promised my jurors and prosecutor I would never become a thief, I would not break a promise I made so solemnly. He replied, You fool, thieving is profitable, and I should think I was a flat if I squared from it (left it off); all I have to say is ~~this~~, I will either make my fortune at it, or be

* Where the prisoner was confined before the commutation of his sentence to the Penitentiary.

regularly belowsed, (meaning transported to a chain-gang for life.) It is from these words that I conclude he is gone to — street crew. He had told me it was his determination, if I or Bill Griffin would go with him, to crack, or break open, two of his uncle's houses, for he was certain of a good swag (booty); after that he meant to go to Fletcher's Chapel in the Mile-End-road for the communion service; then to Chancellor's omnibus office, at Hammersmith, for cash; afterwards to try what he could do at various churches at or in Essex; then, if he succeeded, he would go as a sailor in some trade for about one or two years, then settle in some country village as a tailor."

Not content with these and similar statements, G. M. E. spontaneously offered a variety of suggestions, calculated in his opinion to suppress secret intercourse. When prisoners who walk in a large circle, under the inspection of an officer, pass round the more distant parts of the yard, they contrive to talk in whispers unknown to him. To prevent this, he proposed that the officer should walk in an inner circle, and in the opposite course to that of the prisoners, so as to see their faces as they passed. He suggested that no prisoner should be allowed a knife in his cell, because it was made use of to construct little pencils out of the pewter vessels: also that the pewter should be cleaned with soap, and not with whiting; because with the whiting, slips of paper, previously damped,

were powdered, and thus an artificial surface being formed, a prisoner could write upon it with a needle, and this surface being afterwards removed, the paper would serve again. He recommended a weekly search of every prisoner's person and cell, particularly pointing out the crevices in which it was customary to conceal bits of pencil. The pencils were thus made: a little of the pewter was scraped off the pint, and this being run with a hot iron, (which the prisoner gets to carry on his tailoring,) was easily attached to a bit of wood or quill. He suggested that all the letters received by prisoners should be taken from them when read, because they use the backs and ends for writing to one another; also, that upon the cover of every book allowed to a prisoner should be an entry of the blank pages, and blank parts of pages, because they are often cut off to be written upon, and that these books should be examined weekly, the officer carefully looking to the pages mentioned on the back, to see whether all were right. When the governor observed that all these searches and examinations would require a vast number of additional officers, the prisoner replied, "Sir, any expense of that sort would be worth while incurring, to protect the public from the evils of such communications as I have shown you are carried on among the prisoners." It may be deemed easy to adopt such good advice, but in truth many of these suggestions would only shift the difficulties

of the case. The remedy is much like that of stopping a few rat-holes in a barn, which would be soon supplied by fresh ones in other places. The practice of an officer walking in an inner circle had been tried years before, but it was found that the prisoners could then talk more conveniently behind his back. If knives were taken away, the pewter could be scraped with scissors, and tailors must have scissors for their work. If whiting were no longer allowed, the scrapings of the wall would answer the same purpose. If letters were taken away, books would be torn; if pencils were precluded, a needle would serve for a pen, and a little dirt and water for ink: a rhubarb pill formed into a crayon has been known to do the office of pen and ink at once. But, besides the above, there remain other sources of communication which G. M. E., the *Amicus Curiae*, left wholly untouched.

Another instance. A search having been made, a great number of belts were found upon prisoners. These had been secretly manufactured from pilfered materials, and in one of them were concealed a variety of scraps of communication. The person on whom these were found was, to outward seeming, a well-behaved prisoner; so was his friend from whom the communication had come—but the contents were atrocious. They implied a regular habit of intercourse at schools, where these two young men were monitors, and on other occasions. The following is an extract:

“ My dearest Bill,—Again I have that joy extatic in being enabled to *commit*. I feel likewise a sort of satisfaction in *doing* those sagacious gentlemen, who would prevent us from using our tongues, even for the purpose of that which the great Creator formed it for. I will now inform you of the manner and procedure of our correspondence.”

The writer then proceeds to detail a complicated contrivance, by which he and a third prisoner were enabled to hold extensive communication at night, although one was on the first and the other on the third floor. A little kite was the chief instrument, and the string was made out of bits of thread cabbaged from the prisoner’s work. “ Thus,” he says, “ we are enabled to send books, bread, &c., with the greatest despatch and silence.” But the communications were not always so innocent. “ I recollect,” he proceeds, “ you spoke about silk purchasers for the best mercers. I want to know if you could not sell it at first-rate shops without applying to a purchaser. For instance, could you not wait on some of those shops, and say that you could supply them with silk, lawn, cambric, &c. &c., at a lower price for ready money? Is there any particular mark on the regular silk, &c., whereby they would *know* it? I think there are numbers of shops who would be glad to buy at a low price rather.”

Here is a smuggling scheme suggested, and the writer follows it up by drawings of boats, pumps, air-vessels, and other contrivances, the object apparently being to project a boat for conveying smuggled goods under water, and which might be sunk or raised at pleasure. The prisoner had only a smattering of philosophy, and his scheme would probably have proved abortive; but, whatever might be thought of his science, his practical aptitude for smuggling was indisputable. The pencil which he had used in carrying on these communications was carefully embedded in his piece of soap!

Classification is a fourth method by which it has been attempted to prevent contamination. The law has drawn its lines between certain crimes, and, in consigning all the perpetrators to prison, proposes to save the less atrocious from corruption by confining them to the society of delinquents, whose offences are tinged with the same dye as their own. This is no test of character, or of fitness for companionship. In many instances it only favours sympathy in fraud. But its failure is at once demonstrable from the simple consideration, that technical distinctions, grounded, not upon habits of crime, but upon a casual conviction, must often throw together the most inexperienced and the most corrupt. The practised ruffian, familiar with all sorts of crimes, and competent to initiate a whole ward in iniquity, may have been detected in the commission of some lesser offence. Varieties

of this nature must completely destroy the symmetry of classification. The consequence is clear—corruption must ensue.

From the foregoing sketch it is evident, that were that immensely important object, the prevention of contamination, our sole aim, there could be no hesitation in awarding the preference to the Separate System above the others. But it is not sufficient to prevent evil; we must aim at the positive infusion of good. Many an individual who is consigned to the walls of a prison, with his imagination debauched, his passions all alive and vigorous, his best powers habituated to the contrivance and perpetration of wrong, if left wholly to himself—void of any active principle of amelioration—would only fester in his own corruptions, or stagnate in sluggish apathy. It is required to cleanse his foul mind—to raise his faculties and direct them—to impart a new interest to his affections.

Now, for the accomplishment of these great purposes, the means to be employed are various; and the question arises, under what system can the largest amount of good be reasonably expected? The reader will observe that we do not merely ask what system admits the most extensive application of positive moral means, for a system may have the advantage in this respect, and that advantage may be counteracted by its conjunction with incentives to evil. Thus, for instance, the other systems

may appear more capable than the Separate, of accommodating themselves to all the more compendious methods of instruction—such as congregational worship, catechetical lectures, public exhortation. But in bringing prisoners together for these purposes, the prodigious obstacles to every thing good which arise from their intercourse—the fact, that under a semblance of improvement evil is going on, may counterbalance the supposed recommendations. To determine the question fairly, we must set one thing against another, and deduce our inference in favour of that system which, upon the whole, yields the balance of moral advantage.

Here it will be expedient to pass again in review the systems to which we have already adverted. We have considered them in reference to their capability of preventing evil ; we will now discuss their power of effecting good.

The Silent System—what means of positive moral good does it provide? It allows the prisoners the advantage of public worship and school instruction.

But these are privileges in no wise confined to the Silent System. As to any reformative qualities peculiar to and characteristic of that system, so far from its being invested with such attributes, its tendencies seem to be of an opposite description.

It is the moral aim to win the heart. The sad experience of the penal fruits of sin may tend to a

salutary subjugation of the spirit, and this may well combine with all that is tender and attractive in moral instruction and pious exhortation. But if the general working of a system be calculated to produce gall and bitterness, or to generate a sullen and hardened tone of endurance, or to foster a habit of trickery and fraud, then no good moral result can be expected. The very opportunities of public and social instruction will, under such circumstances, be abused to other ends.

Now it is evident that the Silent System must be sustained by constant punishment. Prisoners are congregated—placed in circumstances where there is a ceaseless temptation to communicate, and commit other breaches of prison rule. There is no physical impediment, nothing whatever to prevent them, but the fear of punishment.

It is no less evident that punishment must be inflicted, not for grave offences alone, but for a multitude of the most trivial acts. Things which in another situation it would be ridiculous to notice, are here of necessity inflated into unnatural importance, and made matters of grave discussion, of formal investigation and trial—and for this plain reason, that when a multitude of bad characters are collected under the control of a few officers, they form a very combustible mass. Little matters might easily be blown up into a mighty flame, and it is therefore necessary to notice every slight ten-

dency to disorder, and promptly to check it by punishment.

Now consider the persons who are suddenly braced up by this kind of restraint—those who have been accustomed to the free indulgence of every passion. Will their consciences, dead to crimes of deeper turpitude, assist the authorities by a lively sense of the obligation of artificial rule? With what kind of feelings must they contemplate the restraints under which they are laid? Is there any moral lesson which they are likely to learn from them, or as taught in connexion with them? When the breach of silence is made a principal offence, is not this calculated to throw back the consideration of their real crimes? If they were only punished for decided outrage, the public sentiment would stamp the lesson; but for depraved persons, visited with peremptory and rough language, to be made criminal for answering in a correspondent tone—for persons of licentious habits to be made offenders for words and actions harmless in their own nature, and to be restrained from which the best would deem an intolerable grievance—this can hardly be otherwise felt than as tyranny and oppression. Of the offences committed in a prison, a multitude arise out of temper. Whether it be a judicious mode of reforming a bad temper to chafe it with artificial regulations which it is placed under constant temptation to transgress, can hardly admit

of a question. If a contest with an officer occur, the prisoner, surrounded with a depraved and sympathising crowd, is prompted by false shame to the exertion of false courage, and disposed either to mutinous resistance, or to sullenness and contempt. Living in public, though without liberty of speech, he is most unfavourably circumstanced for reading and reflection, for penitence and prayer. If good feelings arise, they are stifled as he casts his eyes around on the withering aspect of a scowling and ferocious mass, whose countenances indicate the workings of a pent-up fire—smothered, but not extinguished. He burns with impatience to get loose, and at length leaves the scene of punishment unreformed and unsubdued.

Let us next turn to the Separate System : and first it is to be observed, that an immense advantage is gained for moral operations by isolating each individual. He is not only conveniently circumstanced for private exhortation, but, being cut off from intercourse with those of the same grade, he is thrown upon his own resources, and this tends greatly to subdue and soften the mind, and render it susceptible of salutary impressions. The impudent confidence, the coarse spirit of bravado, derived from and fed by companionship and sympathy, die away for want of their accustomed aliment. It is ascertained from prisoners themselves, that many of their acts of mischief and breaches of rule originate in a false notion of heroism, and that

this is kept alive by mutual encouragement to brave all authority, and to dare every punishment. While such a state of mind prevails, the effect of moral and religious lessons is continually cast aside. If there can be complete isolation, it must tend to quell all this, and it is accompanied by the further advantage of removing many sources of irritation, which are extremely hostile to moral influence. It will be admitted to be highly desirable that when a person is condemned to imprisonment for a given period, his sole punishment should consist in the loss of liberty and the discomforts which properly belong to the condition of a prisoner—that there should be no fresh occasion of suffering beyond what the sentence contemplated—nothing arising out of contests with authority. He is not to look upon his officers as so many fiends appointed to torment him. But, in proportion as rules are multiplied, and their observance enforced by command, inspection, and punishment, occasion is afforded for dislike between prisoners and those who have the charge of them. All should be as simple as possible. Let the hindrances to enjoyment consist of passive and inanimate obstacles which cannot be made the subjects of hostility—not of intelligent agents towards whom, on moral accounts, a friendly and grateful feeling should be cherished. If prisoners are not to look out of windows, let the windows be out of reach—if they are not to converse with those in adjoining cells, let the partition

walls be made too thick. Then complaints and punishments will diminish, hatred towards their officers will cease, and assuming that the officers are proper persons for their situations, their necessary intercourse with the prisoners will have a most beneficial and improving tendency.

This observation applies with peculiar force to the governor. His office invests him with prodigious influence, and it is in the highest degree desirable that such influence may be brought to bear upon the moral interests of the prisoners. How deplorably is this influence thrown away, or rather turned into a totally different channel, by any system which breeds perpetual litigation! The governor's authority is then necessarily put in motion for the purpose of deciding petty controversies, and punishing disorders which rapidly arise. Hence his name becomes associated with painful feelings. The Separate System removes these occasions of strife, and leaves the governor at liberty to bestow his time and influence in that kindly admonition and parental intercourse which are calculated to soften, to edify, and to reform.

Closely connected with this view of the subject is another prodigious advantage which the Separate System may be expected to yield. This is nothing less than the attraction of suitable moral and religious agents to the service of an establishment conducted on that principle. It is of immense importance that the officers who are brought into

immediate contact with prisoners, charged with the custody of their persons, the superintendence of their conduct, and the care of their wants, and who are, therefore, in constant communication with them throughout the day, should be qualified to impart a salutary influence to their minds. The visit of a superior is apt to be met with formality and dissimulation ; but the officer in immediate charge has too many opportunities of observation to be deceived—the prisoner meets him in a different manner, and the intercourse which takes place is more genuine in its character, and more practical in its effects. It is powerfully influential upon the mind of the prisoner, either for weal or woe. But from the kind of persons to whose charge it has been deemed matter of necessity that convicts should be entrusted, what sort of influence are they likely to imbibe ? Under other systems, regard to the safe custody of the prisoner, and to the danger of personal collision, has made it necessary to choose men distinguished chiefly for great bodily power, for animal courage, for austere and commanding temper—men who will make themselves feared. The nature of the duties is supposed to be such as revolts persons of mild dispositions, of tender feelings, and christian principles—that is, it drives away the very sort of men who are the fittest to work beneficially upon the minds of the depraved. The Separate System, by taking away the danger of collision, and presenting abundant opportunities

for the exercise of kindness and the quiet inculcation of truth, so far from giving occasion to religious persons in humble life to shrink from the duty, offers them powerful inducements to undertake it. It is calculated to raise up a new class of prison officers, both men and women, whose chief qualifications will be rather of a moral than of a physical order—integrity, intelligence, amiability, and christian zeal.

Assuming that the prisoners' minds, devoid of their ordinary vicious supports, and weaned from the expectation of returning to society—at least for a period sufficient to sever the chain which binds them to the criminal circle,—undergo a prostration favourable to the susception of new and beneficial influences—assuming also that the system enlists the services of suitable moral agents, our next inquiry is into the particular means which are available under it.

The means of reform generally may be classed under the heads of public, private, and indirect.

By public means are meant either the instruction conveyed to prisoners in classes, or united prayers, or the ordinances of the Sabbath. Now it must be admitted that the entire scope and characteristic principle of the Separate System stand opposed to the use of these public means. If under the Separate System they be resorted to, it is, *pro tanto*, a variance from that system. Not that it is the principle of those who advocate separation to

decry the advantage of public means, but that prisoners, deprived of ordinary intercourse, are prone to pervert such opportunities to evil purposes. The question then arises, whether there be sufficient reasons to forego the aid of public means in a prison ; or whether there be any way of reconciling the use of them with the principles of the Separate System ; or whether, guarding that system rigidly in all other points, a deviation may be allowed in respect to a few opportunities of public instruction, from consideration of their surpassing importance and utility.

The question may fairly be tested by the instance of public worship — the most important public means of all. It appears, perhaps, monstrous to interdict prisoners from this advantage. But before we are carried away with that idea, it would be well to consider of what it is they would be deprived. There is a wide difference between an assemblage of convicts in the chapel of a prison and an ordinary christian congregation. This difference does not consist in the degradation of the former, as if any man were entitled to look down upon them with pharisaical contempt. The pious worshipper, on the contrary, feels his self-abasement profitably assisted by mingling his voice with theirs in the general confession ; for he inwardly acknowledges that, however distinguished in the eye of man, he is, in common with them, a miserable sinner. That which marks the difference between a prison chapel and any other place of worship, is

the array of iron bars, of massive locks, of bolts, and spikes, and watchful turnkeys—attending, not for the purpose of participating in devotion, but of guarding the worshippers lest they should break forth into acts of mutiny and violence. Add the habitual desecration of the privilege, by prisoners converting it into an occasion of secret and corrupt communication. All this is alien from the character of a christian meeting, and it is of this they would be deprived. Moreover, in reference to the principle of the prohibition, it is to be remembered that in times of ancient discipline it was deemed conducive to the great ends of religious ministration, to debar from public worship for a season those who had offended by scandalous crimes. Other religious means might be provided. But whatever arguments might be adduced for the exclusion, the general feeling of Christians would probably be too strongly opposed to it, to allow of any such regulation in this country. And it becomes necessary, in the second place, to inquire, whether an attendance upon public worship can be reconciled with the Separate System.

The Inspectors of prisons for the Home district, in their admirable report of last year, have proposed to meet the difficulty by constructing a chapel in a peculiar manner, so as to enclose the prisoners in separate boxes or cells, so arranged as to preclude them from seeing one another, while all radiate

towards the officiating clergyman. And it is further proposed that the prisoners shall be conducted to their seats with their faces concealed by a cap, in order to prevent recognition. This plan involves a striking anomaly. On the one hand, we bring Christians together for joint sympathetic worship; for the primary idea, the essential principle, which distinguishes public from private devotion, is sociality—the recognition of brethren—members of the same family—heirs of the same hope—aided by the sight and hearing of each other in a common assembly, where with one heart and one mouth they glorify God. Such is the principle on which the prisoners are brought together in chapel; but on the other hand, whilst so assembled, there is a studious effort to keep them all in a state of separation, and to defeat the idea of their communion. At the Lord's table how is the spirit of the institution, which implies so much of fellowship, to be maintained? How is the administration of the elements to be carried on? Those who advocate the union of public worship with the Separate System, will probably think these objections fastidious, and resolve that still there must be a chapel. Be it so. It will be found most probably that it affords opportunities for communication, and the ingenuity of many prisoners will be all alive to take advantage of them. It remains, therefore, to be considered whether it is not worth while to tolerate this dis-

advantage for the sake of the benefit and the blessing to be expected in the use of public means of grace.

If prisoners are frequently taken out of their cells together, they acquire a familiarity with each other's presence and movements, which makes them feel already acquainted, even though they were not to exchange a word, and there results a readiness to fraternise and seize every, the slightest, opportunity of intercourse. If brought out together several times a day for exercise, instruction, or any other purpose, this acquaintanceship, with all its pernicious consequences, must prevail ; but were they brought out only one day in the week, and then under such regulations as the inspectors suggest, there would of course be more of strangeness and mutual distrust, which must greatly diminish the extent of communication. In some of the American prisons they will not trust the prisoners in chapel at all, fearing it might mar their whole scheme of separation. A minister of religion officiates in a corridor into which the cell doors open, but under such arrangements as preclude the prisoners from seeing each other. This is a poor substitute for public worship ; and considering the importance of that ordinance, it may be well worthy of experiment whether the Separate System cannot bear the inconveniences resulting from the limited degree of intercourse which would take place in proceeding to and from chapel on Sundays. An

attendance on the public ministrations of the Sabbath might, perhaps, be regarded as a fitting exception to the general provisions of the system ; but no further risk would it be prudent to run ; the inspectors indeed propose other modes of instruction in classes, to be managed in a similar manner, but it is to be feared that the multiplication of public opportunities would prove so seriously detrimental to the plan of separation as to frustrate its general policy.

Fortunately the Separate System can afford to dispense with these latter attempts. So great is its superiority in respect to the efficiency of private means, as to counterbalance, and much more than counterbalance, any loss which it may sustain from the inadmissibility of instruction in classes. To put this point in a clear light, let it be asked what is the real object of educating criminals ? If it be merely to teach them to read and write, and get by heart, and exhibit a technical acquaintance with scripture doctrine, or sacred history, then catechetical lectures and other public means, aided by the excitements of vanity and emulation, may doubtless prove the most rapid and compendious instruments. But if it be the real object, throwing aside all regard to display, to impress lessons of virtue upon the heart of each individual, it is much better to take him alone. The process of education may appear tedious, but in respect to the real object, much more ground is made good. The learning

is acquired for its own sake, not for the sake of rivalry with others. When the latter motive is predominant, and it is very generally so in prison schools, the head is furnished, but the heart remains as it was. In proportion to the extent of a prison, means of educating the illiterate, and impressing the influence of instructive conversation upon all, should be provided. It is not meant that by scanty means the desiderata can be accomplished, but that if due means be supplied, they will tell most effectively from the peculiar circumstances of the prisoners. What a motive, for instance, has an illiterate man, shut up from society, to learn to read! He sees that books must now stand to him in the place of companions, and he becomes diligent in order to make the acquisition. Then as to the use of books—volumes which amid the distractions of business or dissipation, lay despised upon the shelf, assume a new aspect in the eyes of the secluded captive—he reads them with avidity and profit. What a mighty resource, then, does the Separate System open—what effective private instruction does it bring into action, simply by cutting off the ordinary hindrances to its operation! To teach the willing scholar the art of reading is not difficult, and that art being attained, the next thing to be done is to supply books suitable to his progress, and thus you bring to bear upon his mind treasures of wisdom, the best efforts of men of thought and benevolence. You introduce him to

the converse of teachers, whom in their generation it was a privilege to know. To this are to be added the regular visits of pious and influential officers, especially the governor and chaplain, whose aim would be to give a proper stimulus and direction to the mind of the prisoner: benevolent persons might also visit him gratuitously for the same purpose, being admitted under judicious regulations. What a happy exchange for the low demoralising converse of his former associates! Much of course would depend upon a due selection and regular supply of books. Every prisoner capable of reading it should have his Bible, and some useful help to the study of the Scriptures. The chaplain's prison library should likewise be furnished with such a variety of works as would enable him to exercise a discriminative judgment in portioning out the mental food as it was required. There should be some heart-searching treatises for the hypocritical, some of a consolatory tenor for the feeble-minded, some awakening alarms for the careless; nor should we exclude works which combine intellectual entertainment with moral and religious improvement. Poetry of a good kind—the poetry of Cowper, for instance—as a prisoner once remarked—would tend not only to occupy, but to cleanse the mind of a man who had a taste for poetry, but who had hitherto fed upon garbage. Perhaps treatises on Natural History calculated to inform the understanding, and to beget an acquaintance

with the footsteps of divine wisdom, power, and beneficence—treatises on arts and manufactures, calculated to afford profitable occupation to the ingenious—biography, calculated to stimulate the heart to the love and imitation of goodness—might under God's blessing prove powerful auxiliaries to reformation.

Thus far as to direct means, both public and private. Under the head of indirect means we may consider employment, and probationary intercourse.

Employment has been too often regarded as an infiction in prisons. We here repudiate that idea, and we equally throw out of our regard the consideration of profit to the establishment. We are solely upon moral grounds; and in this view we observe, that prisoners secluded from society find employment a relief, and such a relief (especially if they have been previously of idle habits) as indirectly benefits the mind.

Reasoning *à priori*, there seems much objection to the Separate System on the score of employment. There is an apparent facility in instructing a body of persons in a common work-room who receive at the same moment the general direction of the master, and are conveniently situated for borrowing hints from each other. In comparison of this, the process of individual instruction seems slow and unproductive. But in all *à priori* reasoning, if we do not arrive at the conclusions of experience,

there is sure to be some flaw. Now, in the present case, it is proved by the experience of the American prisons, conducted on the Separate System, that the foregoing inference is erroneous. The advantage is on the side of solitary work. There are, in fact, two elements omitted in reasoning *à priori* on this subject. Prisoners working in classes are not to be compared to voluntary labourers working in a common room. Prisoners have not the same motive to learn, and all their leanings are on the side of idleness and trickery. Therefore you have no right to claim for the workshop the credit of producing voluntary or industrious labourers. On the other hand, if the prisoner be placed in separation, employment is his comfort and resource. His will is then enlisted, and the enlistment of the will, that grand consideration, is more than a counterpoise for a host of disadvantages—and this explains a fact adduced by the Home Inspectors.

“ The constant and uniform testimony of every one of the witnesses who have had opportunities of observing the conduct and habits of the prisoners at the Eastern Penitentiary at Philadelphia, as well as at the Glasgow Bridewell, proves that such is the feeling of uneasiness which a state of inaction produces in the prisoner’s mind, that in all cases a few days’ experience is sufficient not merely to reconcile him to labour, but also to make him regard it as a comfort and a solace, without which

his prison life would be scarcely supportable. It is also in evidence that the energy and zeal with which the prisoners pursue their occupations, have the effect of frequently developing a degree of skill in handicraft which has excited the astonishment of the officers and visiter. This circumstance is undoubtedly calculated not only to mitigate the hours of seclusion to the individual, but also to make him feel a pleasure in his work which is likely to outlast the period of his confinement, and to adhere to him for the remainder of his life. In the Eastern Penitentiary of Pennsylvania, the following occupations have been pursued, without interruption or difficulty, in the separate cells—spinning, weaving, shoemaking, tailoring, blacksmithing, carpentering, wheelwrights, brushmaking, turners, gunsmiths, locksmiths, coopers, lastmaking, and others. ‘ And such is the general industry of the prisoners, resulting from solitude, that, except in a few instances, it has been deemed inexpedient to task them ; and so efficient a coadjutor is solitude, that little time is required to teach the convict a trade.’ ” *

An extraordinary fact, illustrative of the same principle, is recorded in the Report for 1830 of the Société pour le Patronage des Jeunes Libérés.

“ Un enfant de quatorze ans, de la catégorie des délinquants, paresseux, inappliqué, ayant horreur du travail, résistant à tous les moyens employés

* Third Report of Home Inspectors, page 88.

pour l'y contraindre et lui en donner le goût, se vanta auprès de ses camarades de se mutiler pour être désormais dispensé de toute occupation. Il tint parole, et se coupa résolument le doigt indicateur de la main droite.

“ Cette action méritait un châtement, qui, cependant, devait s'allier avec les soins qu'exigeait son état : il fut mis seul dans une cellule, pansé et visité chaque jour, entièrement abandonné à cette oisiveté, objet de son ambition, pour laquelle il avait bravé la souffrance : la plaie fut bientôt cicatrisée, mais la solitude vide de toute occupation produisait son effet ; l'ennui devenait poignant ; vainement demandait-il la distraction du travail, on lui répondait que le travail n'est que pour ceux qui en sentent le prix : enfin il le sollicita avec tant d'instances et de larmes, qu'on crut pouvoir le lui accorder ; il le reçut comme un bienfait ; la correction avait été forte, elle agira, n'en doutons pas, sur le reste de sa vie.

“ Maintenant, seul dans sa cellule il se trouve dans un tel état de paix avec lui-même, qu'il ne demande pas à être rendu à ses camarades, et qu'il préfère cet isolement auquel il doit son retour à la vie laborieuse et réglée.” *

We have mentioned probationary intercourse as another indirect means of reformation. This requires explanation.

* From the “ Report of the Société pour le Patronage,” &c. for 1838.

Man is a social being, and a reflective being. Providence intended that, by a due admixture and alternation of these qualities, he should fulfil his obligations, and advance in usefulness and improvement. If either be inordinately indulged to the neglect of the other, the consequence must be more or less detrimental. A majority of mankind, by yielding to the seductions of the social appetite, and neglecting the exercise of reflection, fall into many evils, and this is the common case of convicts. They are persons who have starved the reflective quality, while they have abandoned themselves to the dissipation and excitements of perpetual mixture with companions. There is a large debt owing on their part to converse with themselves. To subject them to a state of separation, in the proper use of which they are directed by wise and pious counsels, is at once a punishment and a blessing; and most convicts, if thrown into that state upon their first entering a prison, and kept there for a considerable time, would derive vast benefit from it. But it may be said that the Separate System subjects prisoners to such a lengthened seclusion, that it errs as much in starving the social quality, as they did themselves in starving the reflective. Before, they had all society—no reflection. Now, they have all reflection—no society. Is this consistent with a due consideration of the nature of man? Some reflection—a vast deal is wanting—and a forcible casting of such persons upon their own thoughts,

by dint of silence and solitude, is salutary ; but for moral purposes it may be continued too long, and is contrary to the order of Providence.

To these objections it is no sufficient answer to allege that it is proposed to give prisoners the benefit of such society as will improve them—the visits of the governor, chaplain, and other good advisers. This certainly is a mitigation of solitude, but it is not society. Society is the companionship of equals, amongst whom the mind can freely relax its tension, assured of the sympathy arising from fellowship in the same condition and habits of life. Look abroad into human nature, and this is what it exhibits in the practical grouping of the various sections and classes of which it is composed.

Here then, we must confess, the Separate System appears to labour under a disadvantage ; for it cannot admit of society, and is therefore void of the moral probation resulting from it. Here is no trial of the social qualities—no discipline of the temper as arising out of the ordinary intercourse of life—no opportunity for the cultivation of benevolent feelings in the interchange of good offices between man and man.

But, on the other hand, to avoid this disadvantage, by giving convicts the probation of prison society, would be to plunge them into pollution. The privation is one growing out of the circumstances of the case ; and if the question be raised

between the Separate System, and one that would allow of this intercourse, the answer is, that you thereby give them no benefit, but inflict a prodigious injury. In truth, the defect in question ought to be set down, in common with some others, to the peculiarity of a prisoner's condition. A prison involves an artificial state of things, and, like asylums and other eleemosynary receptacles, while affording many advantages, exempts the inmates from a variety of trials and means of improvement which exist in common life. This makes it exceedingly difficult to speculate upon the stability of a professed reformation in a prisoner. A drunkard, for instance, often behaves remarkably well in confinement; but as long as he is forcibly kept out of the reach of intoxicating liquors, there is no probation. A thief is in like manner exempted from many temptations to steal. It is only in a state of freedom that the adequate trial of principle is furnished, or any proof afforded of the sincerity of the reformation. But such inevitable drawbacks form no solid objection to the remedy of imprisonment. We are still compelled to resort to it, and to do the best with it of which its nature admits. On this ground, then, the Separate System is defensible when charged with denying prisoners the probationary intercourse of society; and the only question is, to what length of time they should be subjected to that disadvantage, a question manifestly to be determined by the mixed consideration

of rendering the punishment exemplary to others, and allowing the convict space for the moral improvements to be expected from his solitude.

We see then that, on the whole, the great moral features of the Separate System are—the exclusion of contaminating intercourse — and the highly favourable position in which the prisoner is placed for responding to private efforts for his reformation. The great barriers to his heart are removed, and it is with the evils of that heart alone the philanthropist has to deal. Formidable enough these undoubtedly are ; but this is a reason for desiring that they may not be augmented by extrinsic aid.

There is a serious objection raised against the Separate System, to which it is necessary to advert. It is said that it must tend to produce insanity ; and this furnishes a prolific theme for popular declamation. There are some who see no insanity in vice ; and therefore advocate an intercourse which is palpably vicious, lest malefactors, debarred from mutual association, should fall into insanity of another kind. These philanthropists do not suggest any means of providing them with society, either improving or innoxious. They know that the society at hand is pernicious, and they object to seclusion from it. Their dread is insanity, and their remedy is vice ; and, moreover, for partial madness they would provide general corruption. Oh, if it could be proved that one man's nerves had been shaken by confinement in a separate cell,

what a handle would this afford to throw discredit upon an entire establishment, in utter forgetfulness of the number that might be rescued by the system pursued there, from the bonds of vicious connexion. Still, the obscuration of the mental powers is a tremendous evil : and humanity, in making a great moral experiment, will anxiously inquire whether there be ground to apprehend that evil, or whether there be means of averting it. Happily we are not without evidence upon the subject. In the elaborate report of the Home Inspectors we are furnished with the results of experience in the Eastern Penitentiary of Philadelphia, where the Separate System has been rigidly enforced for several years. And from the annual Reports of the official authorities—the inspectors, the committee, and the physicians—the dread of insanity appears to be unfounded. The same result is experienced elsewhere. Thus the physician of the county prison at Moyamensing, says,

“ You ask, ‘ what effect does solitary confinement, with labour, appear to have upon the mind, does it seem injuriously to affect it?’ To this I can answer, that, as far as my observation has gone, I am *decidedly* of opinion, that, so far from being injurious, solitary confinement, with labour, has had an *evidently beneficial effect* upon the minds of the convicts. Since the prisoners have been confined in the new county prison, we have

had a considerable number of *mania* cases. But there has not been a single case, the cause of whose insanity could not be traced to causes foreign to his imprisonment, and entirely disconnected with the solitary confinement and discipline of the prison. On the contrary, the cure of many of the cases that terminated favourably, must be attributed (together with the other treatment instituted) to the solitary confinement and discipline of the prison." *

It should be observed that in the American prisons there is no provision—and the Inspectors justly condemn the want—for regular religious instruction. Yet, under this tremendous disadvantage, the result is as above stated. How much greater the security for the mind, if, instead of the casual visits of voluntary zeal, a prison were furnished with the regular and assiduous services of a pious resident minister!

In laying down any scheme of Prison Discipline, it should always be borne in mind that the provision is made for the general mass. Exceptions will arise under any plan. Thus, for example, the Separate System may be the best for the bulk of those who are committed to prison, but there may be a minority, consisting of persons whose intellects were previously impaired—of the epileptic, of the scrofulous, of women with infants, and a few others whom it would be imprudent to submit to

* Report, p. 67.

the rule. For cases of this sort, there must be certain provisions, the safety valves of a system, whose ordinary operations are, as to others, worthy of all commendation.

It is no valid objection to allege, that if the Separate System be not safe for the kind of delinquents alluded to, it cannot stand the proper test. There is no system to which the same objection might not be made, for no system will serve for all possible varieties to be found in the criminal class. An immense advantage is secured, if a good general system can be devised, and, as well from regard to the dictates of reason and humanity, as to preserve that system from captious and preposterous cavils, its operations should be confined to those who are proper to be submitted to it—that is, to the generality of adults. For juvenile convicts a different mode of treatment would be expedient, and juvenile reformatories should be built. For the unmanageable, the imbecile, the blind, the epileptic, females burdened with infants, and so forth, who must all, *ex necessitate rei*, be treated with various kinds of indulgence, a peculiar prison should be provided. To this should be consigned such cases in the first instance, if possible; but if, through official inadvertence, any of them found their way to the Separate System, upon the first discovery of their unfitness, a representation should be made to the Secretary of State, and a transfer

to the prison of the unmanageables should take place.

It is much to be desired that the Separate System, which carries with it so many recommendations—which is so well calculated to meet the difficulties experienced by the conductors of other systems—which is advocated by such high authorities ; legislators, jurists, practical experimentalists, commissioners sent out by different governments to investigate facts—a system, in short, tried advantageously in America, and which has brought over converts from its most formidable opponents ; it is desirable that this system should have a fair trial in England.

For myself, I have thought much upon this subject, and in revolving its various bearings, I have sometimes imagined that a plan of discretionary classification might be advantageously combined with the Separate System. To this idea I have been led, from observing in the General Penitentiary, that while the rule prohibiting communication is habitually violated throughout the prison, *and generally to the disadvantage of the prisoners*, there are some whose violation of it seems to be followed in the main with beneficial results. There was, indeed, at all times this objection, that to evade a known obligation is incompatible with strict conscientiousness ; but, owing perhaps to the palpable impracticability of adhering to rigid si-

lence, under their manifold opportunities of converse, certain it is that a few individuals who have afforded decided evidence of reformation, have made no scruple of communicating with their fellow prisoners, and the subject of such communications has been good. They have taken an interest in the same sermon; they have read the same work; they have found occasion to feel and to express their love to one another—*O si sic omnes!* Among convicts there will be found some under very serious impressions, some of very mild and amiable dispositions, some whose wanderings are to be traced to neglect. Supposing, then, the Separate System in force, it would appear feasible, first to learn the characters of individuals in separation, and then to form classes of those who were judged suitable for association, while any who were found by experience unworthy, might be sent back to separation. The materials for a knowledge of character would be abundant, and after establishing a habit of tractability in the general body of a class, an addition might be made to it from time to time, so as to bring within the sphere of its influence every hopeful individual. Such was the scheme that suggested itself to my mind; but although, under careful and judicious management, it might work well for moral purposes, it is nevertheless liable to many objections. If it served to produce a good moral effect upon some, it would be by placing them under such agreeable circumstances as nearly

to destroy the penal character of the prison. There would also be such a constant pressure from separation towards the classes, as to render it exceedingly difficult to preserve the principle unimpaired ; and, however well the plan might be conducted in a particular instance, it would be far too nice for general adoption.

The observations which have been made, have gone so far into the principles of the subject as to leave the Millbank System, and the system of technical Classification, without any comparative claim. They both admit of public means, but the benefit is counteracted by the spirit of combination to which they afford such prodigious scope. As to private means, all that the Millbank System possesses is enjoyed much more largely by the Separate System ; and the plan of Classification, when grounded solely on technical distinction, admits such a mass of evil as renders it vain to think of counteracting it by the application of positive good. When prisoners are permitted to converse freely at all other times, the small proportion of influence to be thrown in by the comparatively brief and occasional admonitions of a superior will have but little weight.

Prison discipline is yet in its infancy, and it is hardly to be expected that the foregoing, or any other hints which could be offered, should embrace all the difficulties of the subject. Before any general measure is extended throughout the country,

it would be wise in government to institute an experimental prison. The most approved theory might then be reduced to practice, and after a little time it is probable that many useful corrections would be developed in the architecture, accommodations, and rules, all tending to the formation of a mature system, which might then become the object of legislative adoption.

PART III.

It must be confessed that prisons are, after all, very inadequate instruments for the prevention of crime. He that expects to produce any deep moral impression upon society by such means, is beginning at the wrong end. The numbers that are received into prison create a vacuum in the criminal market, which is filled up by the regular operation of the principle which accommodates the supply to the demand. The case is similar to that of female prostitution. An asylum for the penitent is good, so far as the individuals are concerned; but their abstraction from the haunts of infamy leaves only a temporary void, which the industry of human vice soon crams with fresh victims. The disease lies deeper, and its cure is to be sought in the purification of public morals: just so with theft

and kindred offences. The moral state of a dense population is such—there are so many adepts in fraud, and so many traders in iniquity, whose livelihood depends upon the existence of a criminal market—mobs of professed thieves—receivers of stolen goods—keepers of brothels, gaming houses, flash houses, and other unchristian abominations—all acting upon a mass of ignorance, immorality, and practical atheism, ready prepared to their hand—that prison discipline is but a tardy and a feeble remedy.

Venienti occurrere morbo.

There are two things wanting ;—one is, to reform the principles of the indigent—the other, to open sources of honest employment to them. The latter may constitute a difficult problem in political economy, but the solution of the former is much more direct. And if a genuine effort be made to achieve that object, it will necessarily carry in its train the attainment of the other. For it is impossible that enlightened men should steadily address themselves to the task of reducing under moral culture a mass of their poorer fellow-subjects, without feeling prompted and pressed to provide remunerative occupation for them. The two things are quite inseparable.

The work is too great for voluntary benevolence. It behoves a politic, not to say a christian

government, to take the subject under the most serious legislative consideration, and the means of proceeding are obvious.

It was a wise institution of the great Alfred, to divide and subdivide the realm into Hundreds and Tithings, subjecting every household, and every individual living in society, to such a wholesome surveillance as imposed a timely check upon crime. A similar principle, partly spiritual and partly civil, is embodied in our ecclesiastical polity, the country being divided into parishes, and the parochial authorities, the minister and churchwardens, being invested with a superintending charge.

Now, it is by religion that a christian state should endeavour to shape the morals of the people. National education and other means may be instituted as auxiliary to this, but religion should be paramount and presiding over all.

If there were no such thing as a religious establishment in a country, it could only avail itself of the spontaneous or mercenary co-operation of religious bodies ; but if there be an established religion, then there is an instrument by which the state may conveniently work. It is the instrument of its choice. If it be faulty, let it be reformed—if it be feeble, let it be invigorated ; but by this the state can most powerfully carry on any great moral operation.

The fair and legitimate application of these principles would be to carry out the parochial system

through the country, and especially to direct its purifying influence to the gross and feculent masses which stagnate in populous districts. By bracing the nerves of ecclesiastical discipline, and other appropriate means, a supply of vigilant and laborious clergymen might be raised up; these should be assisted by the agency of active churchwardens and other lay functionaries—parishes should be subdivided into manageable allotments, and if the necessary pecuniary funds were provided by parliament, such a moral police might be organised—such a searching supervision applied, that every nook and cranny would be explored, so that vice would be left no nest wherein to hatch her machinations—nor sickness any pallet uncheered by the consolations of religion.

If religion performed her part, political economy would follow in her wake. Such an exposure of the real state of the people would be elicited, as must constrain its efforts. Its aim, to adopt the beautiful oriental imagery of Scripture, would be, that every man should dwell under his own vine, and under his own fig-tree. And this aim would be pursued—not by pampering indolence with gratuitous relief, but by such wise measures in relation to commerce, manufactures, and food, as would draw forth the secret resources of the country, and keep up an unforced and healthful circulation. For redundant swarms, well-regulated means of emigration would be provided. For the imbecile

and decrepit, the sick and the maimed, the widow and the orphan, asylums would be opened by public cess or private charity; and for the class, a diminished class, of rogues and vagabonds, the strong arm of the law would furnish suitable coercion.

And in the first place, the law, if it were wisely directed, would seek to sever from the degradation of a gaol as many offenders as it could otherwise sufficiently punish. To this end it would impose pecuniary retribution in a multitude of cases, mulcting the wrong doer two or three fold, for the satisfaction of the injured, and for the vindication of public justice. Many a youthful offender would thus be thrown back upon the parental care of friends who would pay the fine, and whose vigilance would be thereby quickened for the future. Many an adult would pay his own fine, and discover in its pressure the policy of being honest for the time to come. Immense sums would be saved to the public, now expended in the prison maintenance of this class of offenders.

The law would in the next place permit a large number of those consigned to prisons to work out their speedier release by such efforts of industry as would earn the means of paying the fine, and at the same time impress a lesson of honesty—impart industrious habits—keep them in good order while in confinement, and relieve the public purse.

To the inmates of prisons generally, whether for long or short periods, the most approved System

would then remain to be applied. The previous measures, it is to be hoped, would greatly diminish the cost of prisons, and leave so much of the public funds to be used in moral arrangements of a far more gratifying and effective nature.

With regard to those prisoners to whom no friendly hand was stretched out by family connexion, upon their release, humane policy would suggest the expediency of meeting their exit by some provision calculated to save them and the community from the consequences of their being thrown loose upon society. Work should be provided for them at home, or if not convenient, then in some colony, to which they should be compelled to emigrate, and it is to be presumed that arrangements could be made to render the work of the majority remunerative in a new country.

The subject has grown upon us, and our thoughts have swelled beyond the narrow bounds of Prison Discipline. That it is not without reason we have enlarged our views and suggested the preceding remedies, will be evident from a very brief glance at the ordinary sources and progress of crime.

Upon inspecting a prison record, containing the personal histories of the convicts, it is found that numbers have been habitual desecrators of the Sabbath, and that not a few trace the commencement of their own wanderings to neglect of that sacred ordinance. Many have been the victims of the gin-palace or the beer-shop; of vast multitudes it may

be affirmed that they have been bred in ignorance, and lived in wretched neighbourhoods, so immersed in filth, and poverty, and vice, that at every breath they inhaled moral poison, and were thus primed from infancy with an appalling aptitude for crime. This fact is exceedingly striking in the case of young females who have been led astray. In a romance or a charity sermon, it is customary to draw a glowing picture of the arts of the seducer; but of a vast multitude of young women who infest the public streets, the seducers have been of their own sex—nor do they appear to have had any trouble in the work. The daughters of a pauper population, brought up by their parents amid scenes of grossness and depravity, are so familiarised with pollution, that they have no idea of shrinking from its touch. They have to make but one step into a regular trade of prostitution. Their acquaintances and neighbours are all persons of loose lives, and they naturally imbibe their principles and follow their steps. The same causes which facilitate female prostitution, promote theft and every other species of crime. The same neighbourhoods are the chosen haunts of experienced miscreants, who train the young to assist them in their depredations and to perpetuate their trade, when the gallows, the prison, or the convict ship, shall relieve society from their own presence. The remedies are plain.

Religion to reform the minds of the people—well

devised measures of social polity to elevate their condition. It is the Church's pious prayer that the Monarch may study to preserve the people "in wealth, peace, and godliness."

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